

ORDINANCE NUMBER 23-22

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO
THE CUSTOM COMMERCE PARK PLANNED UNIT DEVELOPMENT AND THE
UNIFIED DEVELOPMENT ORDINANCE**

“Custom Commerce Park PUD Amendment V”

This amendment to a Planned Unit Development District Ordinance (the “**Amendment**”), known as the CUSTOM COMMERCE PARK PLANNED UNIT DEVELOPMENT (Ordinance 03-29, the “**Custom Commerce Park Ordinance**”), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “**UDO**”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code§ 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the “**City**”) and the Township of Washington, both of Hamilton County, Indiana are subject to the UDO;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “**Commission**”) considered a petition (Petition No. 2310-PUD-10), filed with the Commission requesting an amendment to Ordinance 03-29, enacted by the Common Council of the City of Westfield (the “**Council**”) on September 18, 2003;

WHEREAS, the Amendment pertains to the subject real estate located within the Custom Commerce Park PUD, and more particularly identified by legal description as Lot 6 of the Custom Commerce Park Subdivision, a plat of which is recorded as Instrument No. 2018003057 in the Office of the Recorder of Hamilton County, Indiana (the “**Real Estate**”);

WHEREAS, the Commission forwarded Petition No. 2310-PUD-10 to the Council with a favorable recommendation (Vote: __ in favor, __ opposed) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____, 2023;

WHEREAS, the Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Custom Commerce Park Ordinance is hereby amended for the Real Estate. In all other respects, the Custom Commerce Park Ordinance shall remain in effect and unchanged. To the extent that the provisions of the UDO or the Custom Commerce Park Ordinance conflict with the provisions of this Amendment, the provisions of this Amendment shall prevail.
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Amendment and any exhibits attached hereto, and (ii) the Custom Commerce Park Ordinance, and (iii) the provisions of the UDO, as amended and applicable to the Real Estate, except as modified, revised, supplemented or expressly made inapplicable by this Amendment.
- 1.3 Chapter (“**Chapter**”) and Article (“**Article**”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Amendment are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Amendment.

Section 2. Definitions. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to them in the UDO.

- 2.1 “**Specialty Auto Service and Sales**” shall mean a commercial business that:
 - A. conducts light service and restoration work on roadworthy vehicles;
 - B. engages in the sale of vehicles where 85% or more of sales are conducted via scheduled appointments;
 - C. does not perform heavy collision repair; and
 - D. does not store junk vehicles or undriveable vehicles.

Section 3. Concept Plan. Development of the Real Estate shall be regulated as set forth in this Amendment.

- 3.1 The concept plan, attached hereto as Exhibit A (the “**Concept Plan**”), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

Section 4. Permitted Uses. The Custom Commerce Park Ordinance is hereby amended to add Specialty Auto Service and Sales as a permitted use on the Real Estate.

Section 5. The standards of the Custom Commerce Park Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 5.1 Parking and Loading. Section 6.14 of the UDO shall not apply to portions of the Real Estate identified as “Interior Inventory Parking” on Exhibit B.

5.2 Outside Storage. Automobile inventory shall not be considered Outside Storage on the Real Estate and is therefore permitted.

5.3 Architectural Standards: The Building on the Real Estate shall be constructed in accordance with the architectural requirements of the Custom Commerce Park Ordinance and in a manner consistent with the character and quality of the building elevations attached hereto as Exhibit C (“**Building Elevations**”).

5.4 Landscaping:

A. Interior Parking Lot Landscaping shall not be required on portions of the Real Estate identified as “Interior Inventory Parking” on Exhibit B.

B. Perimeter Parking Lot Landscaping shall not be required along the northwest property line of the Real Estate, running parallel along the existing pipeline easement.

C. Landscaping shall be installed in substantial compliance with the landscaping exhibit attached hereto as Exhibit D (the “**Monon Buffer**”) to provide buffer plantings for the Monon Trail, unless otherwise modified or approved by the Director of the Community Development Department. The Monon Buffer will include a minimum of:

- (1) Ten (10) evergreen trees per one hundred (100) lineal feet;
- (2) Four (4) shade trees per one hundred (100) lineal feet.
- (3) A minimum of two (2) tree species of each tree type shall be installed.

Section 6. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 23-22** was delivered to the Mayor of Westfield on the ____ day of _____, 2023, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby **APPROVE ORDINANCE 23-22**

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

I hereby **VETO ORDINANCE 23-22**

this _____ day of _____, 2023.

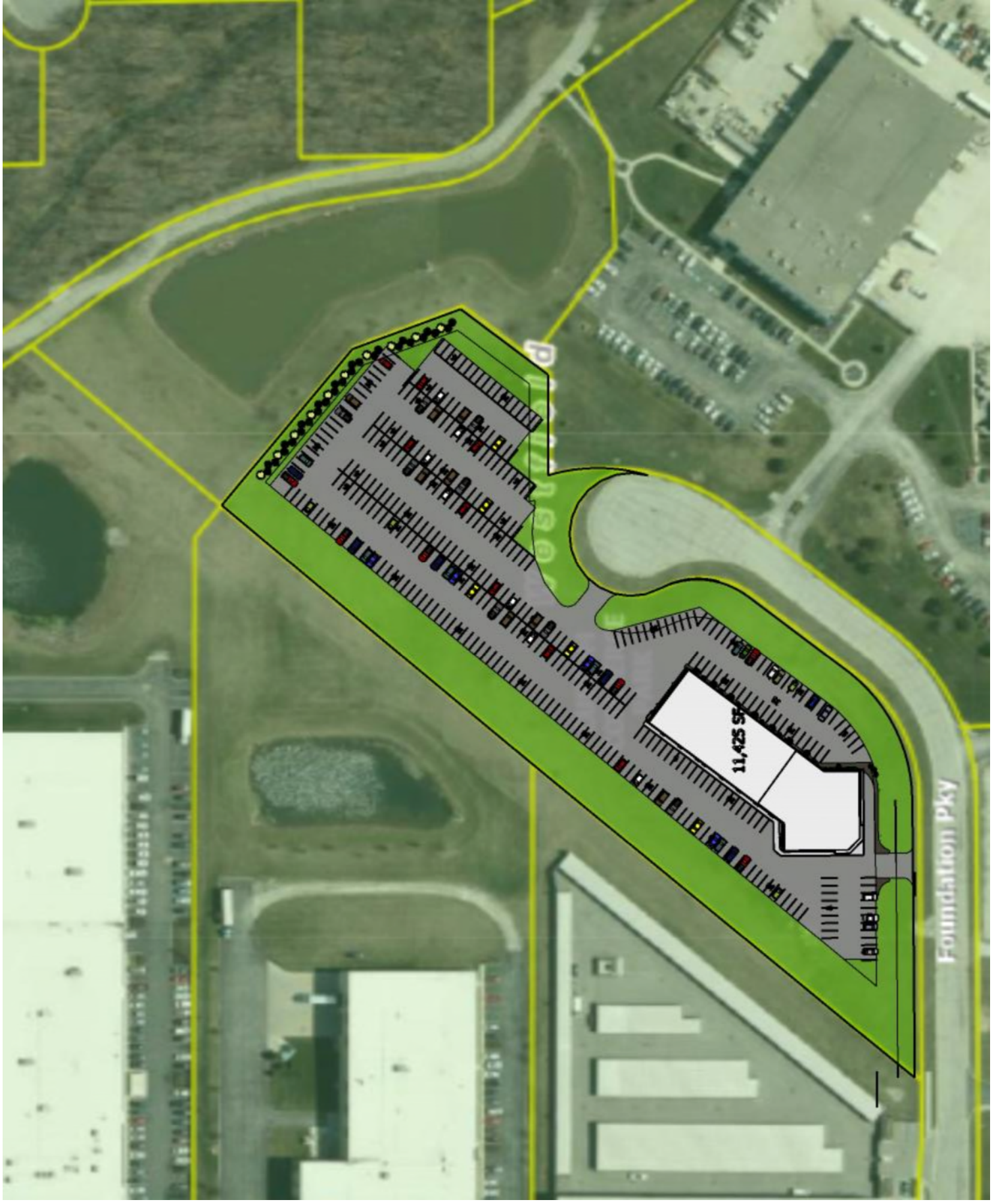
J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Matthew S. Skelton.

Exhibit A

“Concept Plan”



CONCEPT PLAN

Exhibit B

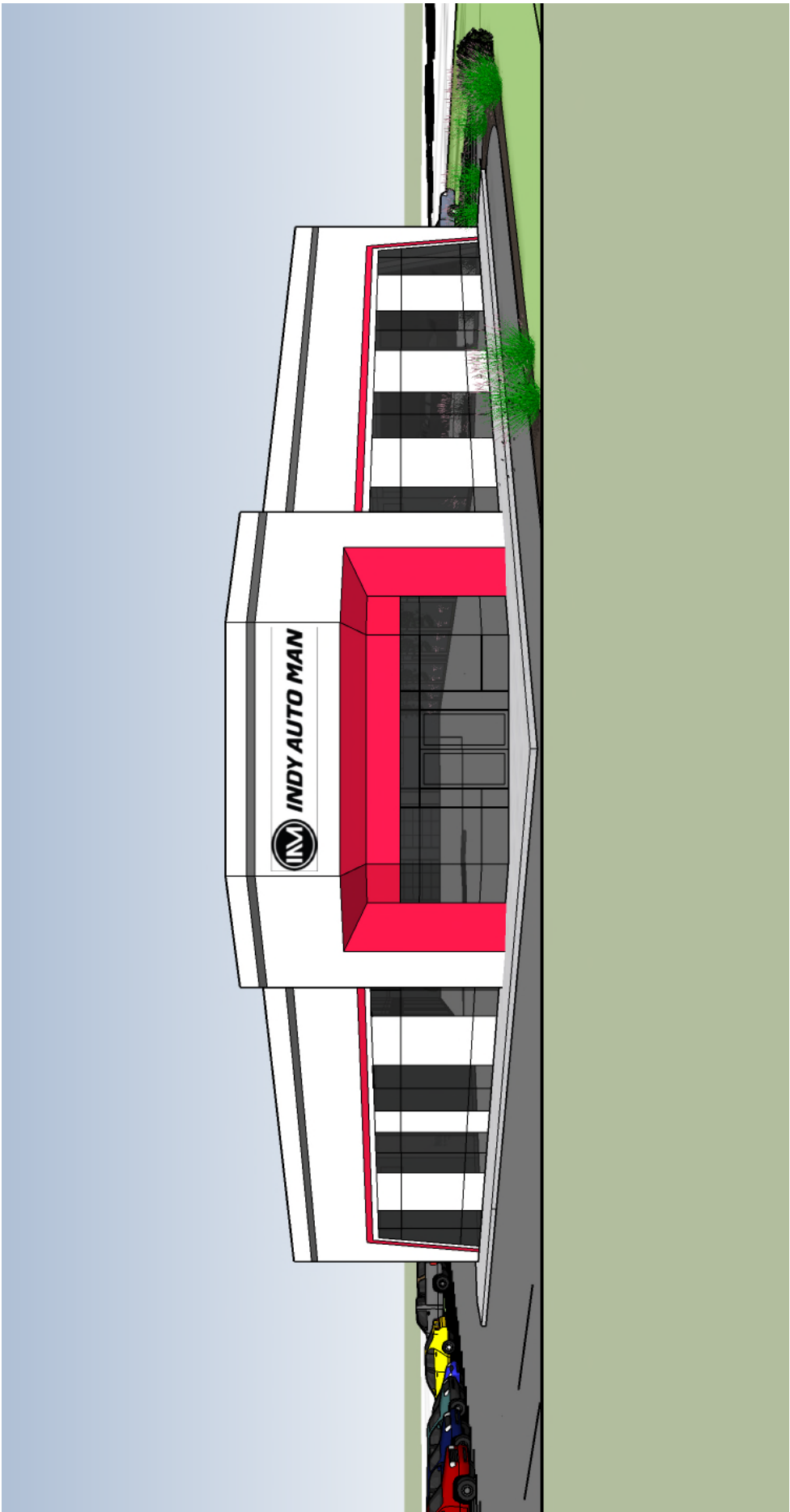
“Interior Inventory Parking”

INTERIOR INVENTORY PARKING = 

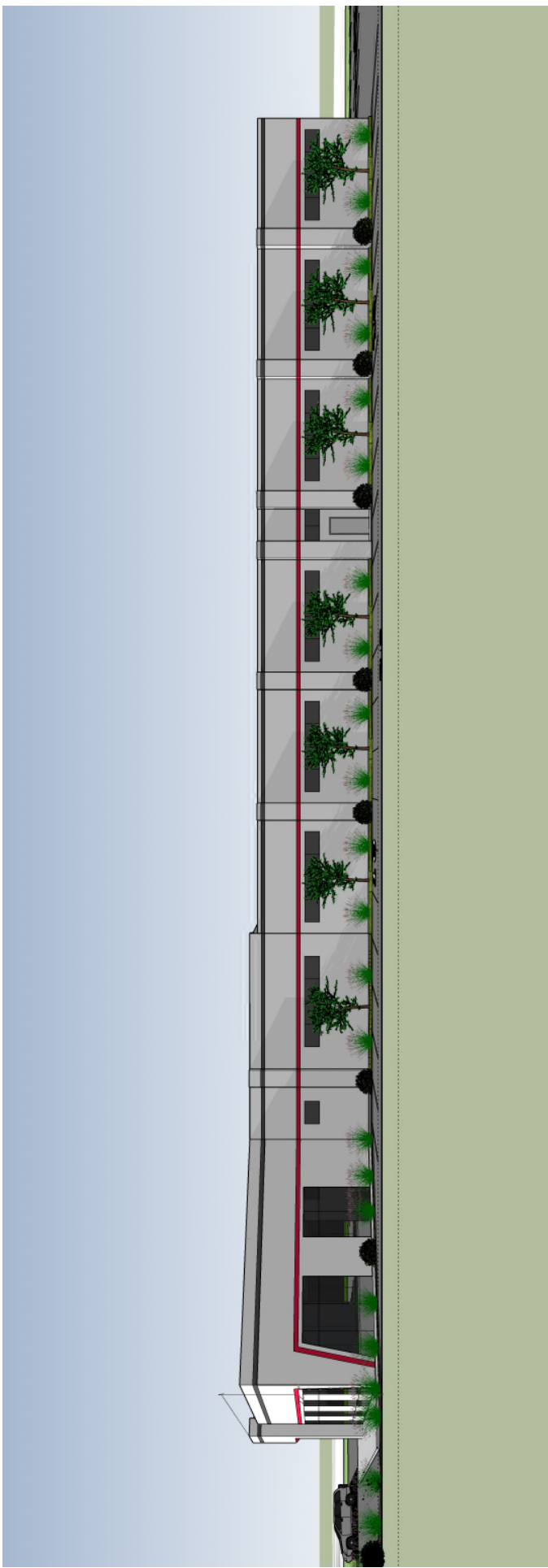


Exhibit C

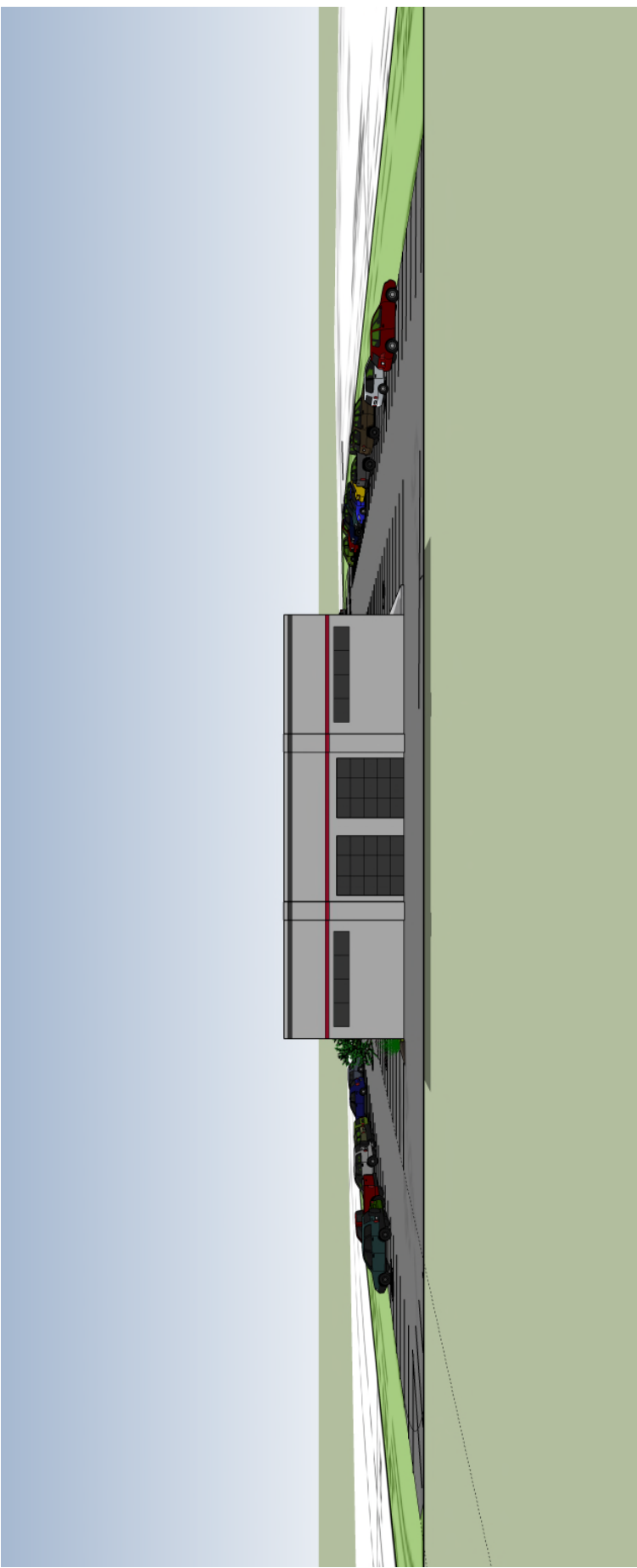
“Building Elevations”



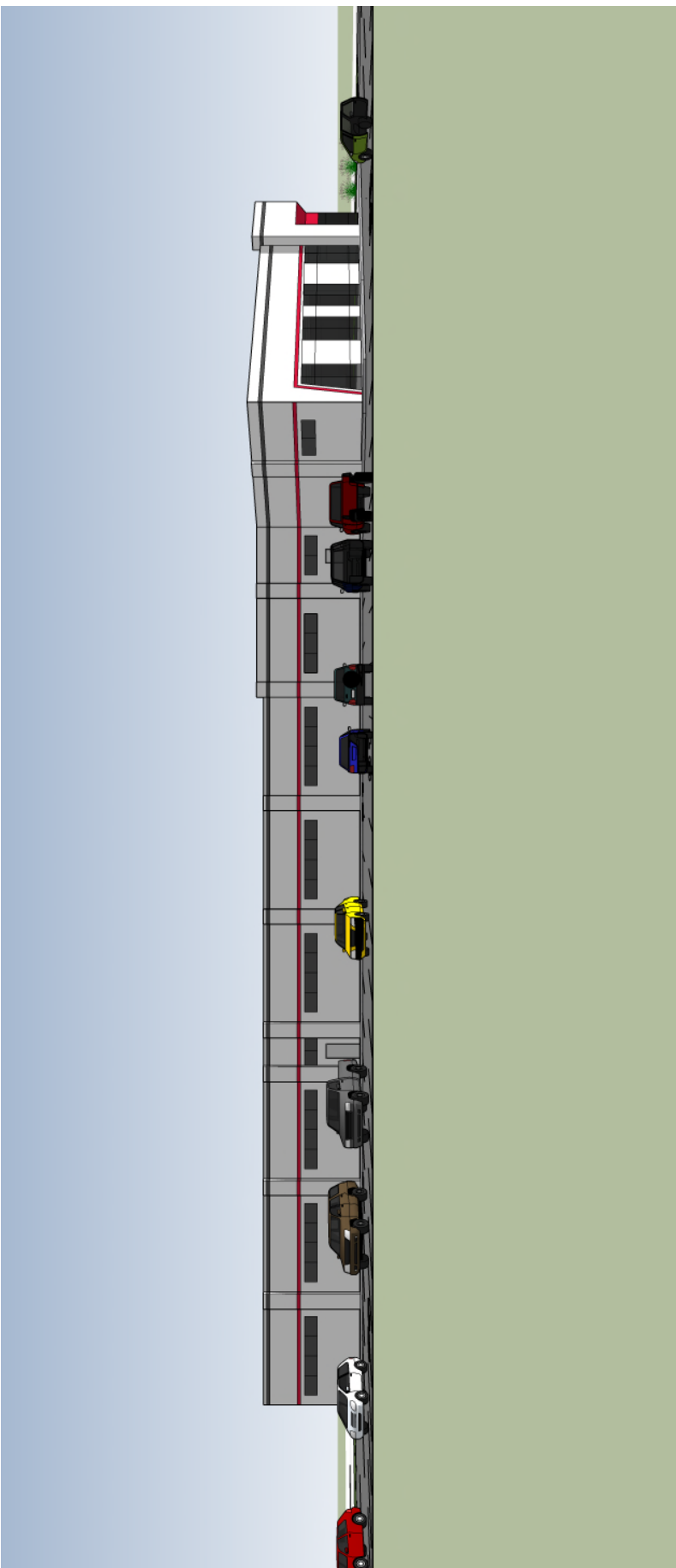
SOUTH ELEVATION



EAST ELEVATION



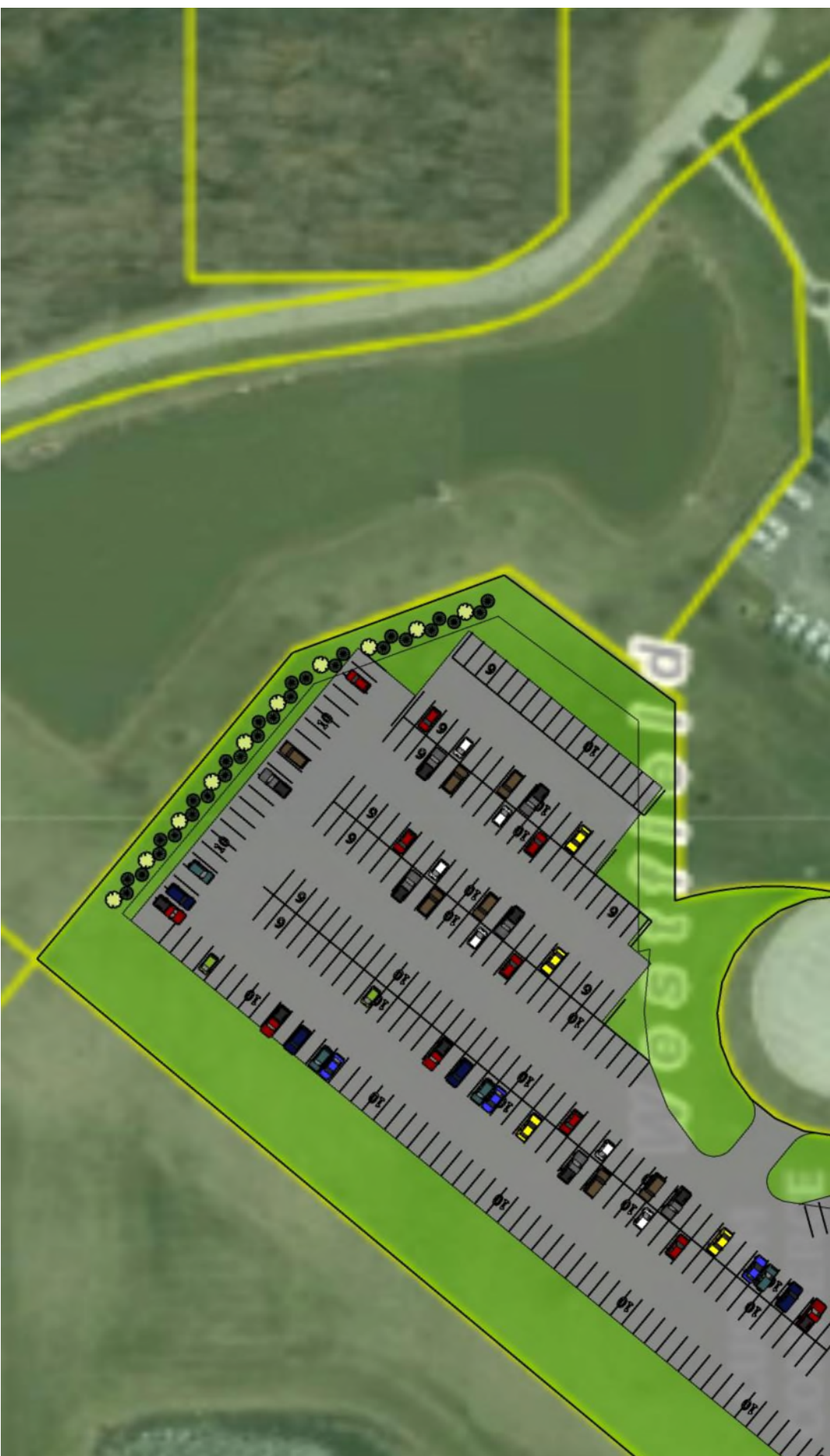
NORTH ELEVATION



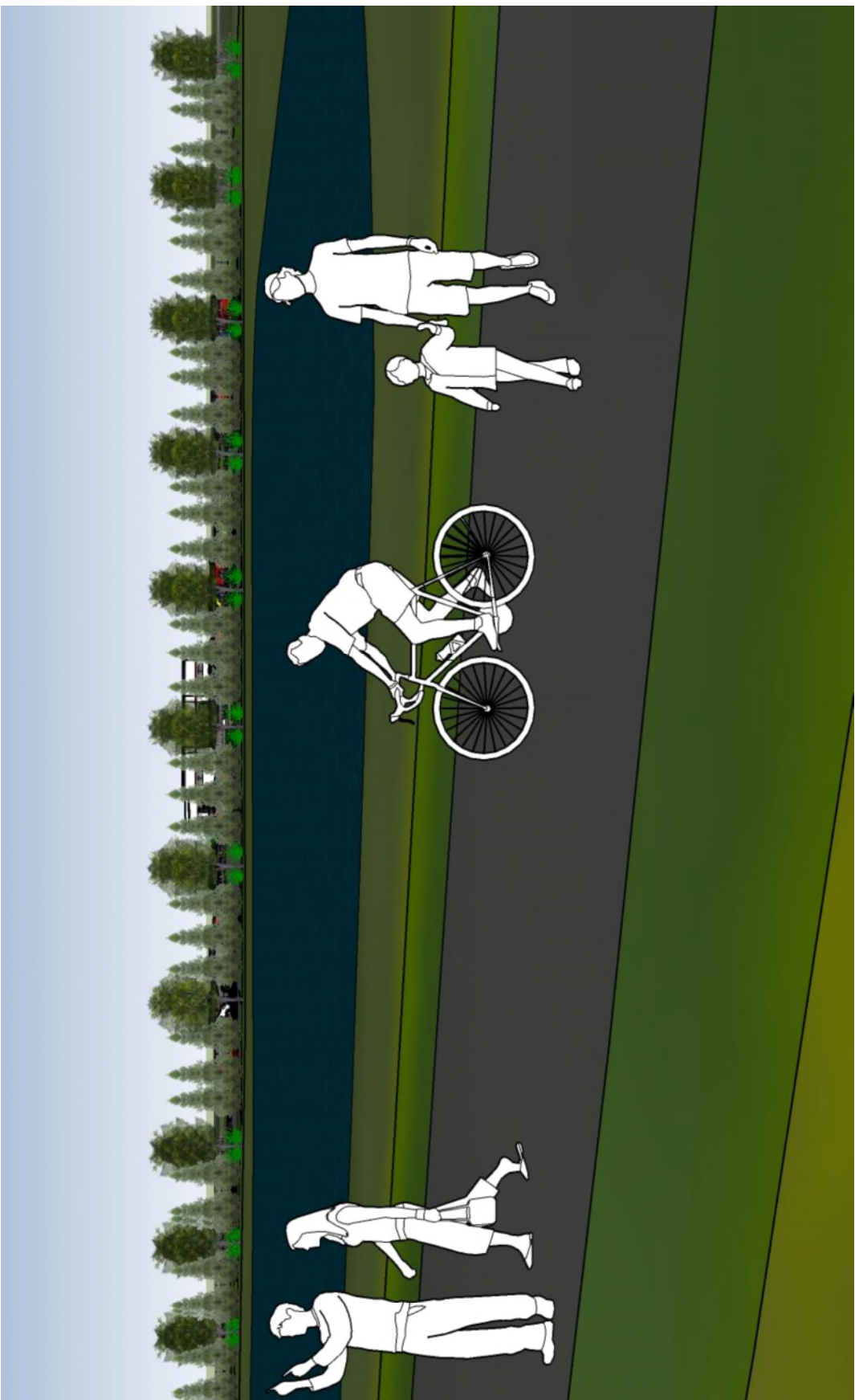
WEST ELEVATION

Exhibit D

“Monon Buffer”



ENLARGED MONON BUFFER PLAN



PERSPECTIVE VIEW FROM MONON